

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,023	02/22/2002	Bryan Neil DeMatteo		1898

7590 06/01/2004

Kenyon & Kenyon
Attn: Bryan Neil DeMatteo
10th Floor
1 Broadway
New York, NY 10004

EXAMINER

NGUYEN, PHUNG

ART UNIT PAPER NUMBER

2632

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,023

Applicant(s)

DEMATTEO, BRYAN NEIL

Examiner

Phung T Nguyen

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because all blocks in figures 1-6 are not labeled with descriptive legend as required by 37 CFR 1.84(o). Correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson (U.S. Pat. 6,198,431) in view of Burns (U.S. Pat. 6,014,137).

Regarding claim 1: Gibson discloses compact GPS tracker and customized mapping system which comprises all the claimed subject matter as follows:

- a. a housing configured being at least one of held and worn by the user (figure 1, col. 4, lines 64-65);
- b. a power source for providing power to the apparatus (col. 4, lines 55-56);
- c. a memory unit situated housing and configured to store the data (col. 4, line 56);
- d. processing arrangement, the processing arrangement including a communication unit configured to communicate at least a portion of the resort-specific information to the user (col. 7, lines 8-26); and
- e. receiver circuitry situated the housing that is able to download the GPS data onto a map (col. 5, lines 46-50). Gibson does not specifically disclose a receiver circuitry including at

Art Unit: 2632

least one a first circuit arrangement configured to receive resort-specific information non-wirelessly and a second circuit arrangement configured to receive resort-specific information wirelessly. Burns discloses an electronic kiosk authoring system comprising kiosk 12 that operates from a central database server such as master computer 13 (figure 1, col. 4, lines 31-43). Since Gibson teaches a device that is used to both up load maps and down load maps with data (col. 1, lines 66-67, and col. 2, lines 1) and Burns teaches receiving the resort-specific information from master computer (fig. 2A, col. 10, lines 38-41), it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gibson and Burns because they both teach a system which customizes mapping specifically for use by people outdoors. The teaching of providing resort-specific information of Burns would enhance the system of Gibson by allowing the user to be aware of important resort conditions that may be subject to change periodically.

Regarding claim 2: Gibson discloses wherein the communication processing arrangement includes at least one of a visual interface arrangement and an audible interface arrangement (col. 2, lines 1-4).

Regarding claim 3: Gibson discloses wherein the visual interface arrangement is further configured to visually display at least a digital map of the resort (col. 3, lines 46-50).

Regarding claim 4: All the claimed subject matter is already discussed in respect to claim 1 above. Gibson also discloses at least one of information relating to at least one of plurality of ski trails (col. 6, lines 65-67).

Regarding claim 5: Refer to claim 2 above.

Regarding claim 6: Refer to claim 3 above.

Regarding claim 7: All the claimed subject matter is already discussed in respect to claim 1 above. Gibson also discloses location determination circuitry including GPS circuitry configured to receive signals from GPS satellites, wherein the GPS circuitry determines a geographical position of the apparatus as a function of the signals (col. 5, lines 14-32).

Regarding claim 8: Refer to claim 3 above.

Regarding claim 9: Gibson discloses wherein the portion of the resort-specific information includes at least one information relating to at least one of a plurality of ski trails, information relating to at least one of a plurality of ski lifts, information relating to at least one of the plurality of ski trails, and information relating a skier congestion of at least one of the plurality of lifts (col. 5, lines 48-50, and col. 6, lines 65-67).

Regarding claim 20: All the claimed subject matter is already discussed in respect to claim 7 above. Gibson also discloses a transmitting arrangement configured to wirelessly transmit at least the geographical position of the apparatus (col. 5, lines 4-5).

Regarding claim 21: Gibson discloses a position receiving arrangement configured to wirelessly receive at least one transmitted geographical position, the communication unit of the processing arrangement communicating the at least one transmitted geographical position user (col. 5, lines 21-26).

4. Claims 10-19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson in view of Burns and further in view of Rudd et al. (U.S. Pat. 6,658,348).

Regarding claim 10: Gibson and Burns do not disclose alarm the user geographical position of the apparatus coincides with a geographical position of at resort. However, Rudd et

al. disclose system and methods for providing information to users comprising identification information 210 to determine whether a user should be permitted to participate in a particularly activity (col. 3, lines 42-57). Therefore, it would be obvious to the skilled artisan to utilize the teaching of Rudd et al. in the system of the combination in order to determine whether the user should have access to a slope with a particular difficulty rating thereby enhance safety.

Regarding claim 11: Rudd et al. teach user inputted information including at least a skill level of the user (col. 3, lines 51-55, and col. 5, lines 39-40).

Regarding claim 12: Rudd et al. teach a user input arrangement configured to receive user inputted information from the user, the user inputted information including at least one destination point located within resort, wherein the processing arrangement further configured communicate a path of travel the user (col. 5, lines 39-45, and col. 11, lines 29-40).

Regarding claim 13: Refer to claims 11 and 12 above.

Regarding claim 14: Rudd et al. disclose wherein the path of travel is determined least in accordance with the resort-specific information col. 11, lines 32-35).

Regarding claim 15: Rudd et al. disclose travel is determined in accordance with at least information relating to least one of a plurality of ski trails (col. 3, lines 51-55, and col. 11, lines 32-35).

Regarding claim 16: Rudd et al. inherently disclose wherein the path of travel traverses at least one of a portion of at least one of the plurality of ski trails course of at least one of the plurality of ski lifts (col. 3, lines 51-55, and col. 11, lines 29-41).

Regarding claim 17: Refer to claims 10 and 11 above.

Art Unit: 2632

Regarding claim 18: Gibson discloses wherein the visual interface arrangement is further configured to visually display at least a digital map of the resort (col. 3, lines 46-50).

Regarding claim 19: Gibson discloses wherein the portion of the resort-specific information includes at least one information relating to at least one of a plurality of ski trails, information relating to at least one of a plurality of ski lifts, information relating to at least one of the plurality of ski trails, and information relating a skier congestion of at least one of the plurality of lifts (col. 5, lines 48-50, and col. 6, lines 65-67).

Regarding claim 22: Rudd et al. teach wherein the communication unit of the processing arrangement communicates the least one transmitted geographical position the user only if a transmitted group tag assigned to at least one transmitted geographical position matches a group tag assigned to the apparatus (col. 2, lines 36-42).

Allowable Subject Matter

5. Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Hollenberg [U.S. Pat. 6,091,956] discloses situation information system.

b. Ranzino [U.S. Pat. 6,281,811] discloses communication and location system for shopping malls, parks, business districts, and the like.

Art Unit: 2632

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 703-308-6252. The examiner can normally be reached on 8:00am-5: 30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 703-308-6730. The fax numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Examiner: Phung Nguyen

A handwritten signature in black ink, appearing to read 'Phung Nguyen', with a long horizontal flourish extending to the right.

Date: May 28, 2004